

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitko et al. (US 6,649,891) in view of Les Promotions Atlantiques, Inc. (hereinafter LPA) (CA 2,314,537).

Kitko discloses a non-plastic container having a plastic coating layer on an exterior surface (see the abstract and col.8, lines 49-50), but is silent regarding the ring having locking protrusions extending therefrom and lid having locking wings for engaging the locking protrusions of the ring. Kitko discloses that various lid arrangements are plausible (column 8, line 23).

LPA teaches it is known to provide a container and lid comprising a groove **32** having a sealing ring **34** therein for engaging the container walls and locking wings as set forth in the instant claims.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ring of Kitko by applying the teaching of a closed ring-shaped plastic ring surrounding the container opening and provided with locking protrusions extending therefrom and a plastic lid provided with a U-shaped groove containing a sealing ring for engaging the container walls at said upper side thereof and further containing locking wings for engaging with the locking protrusions of the closed ring to the container of Kitko as a known alternative container and lid arrangement.

### ***Response to Arguments***

3. Applicant's arguments filed January 11, 2008 have been fully considered but they are not persuasive.

Art Unit: 3781

Applicant argues the references do not teach a lid having a groove for engaging the container walls and co-acting with locking projections for enhanced sealing. The base reference of Kitko does not disclose such an arrangement. However, it is clear from the disclosure at page 2 of the patent to LPA that this arrangement is present. See lines 18-21 describing the components of a U-shaped groove **32** for engaging the upper portion of the container walls and lines 29-30 disclosing the sealing ring **34** therein. The locking protrusions of LPA is combinable with the plastic ring and coating of Kitko to provide an alternative container and closure engagement known in the art.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without

Art Unit: 3781

specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

6. In order to reduce pendency and avoid potential delays, Group 3720/80 is encouraging FAXing of responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

7. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. \_\_\_\_\_ is being facsimiled to The U.S. Patent and Trademark Office via fax number 571-273-8300 on the date shown below:

Typed or printed name of person signing this certificate

\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick, can be reached on (571) 272-4561.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status

Art Unit: 3781

information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). ). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
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- Information Help line 1-800-786-9199
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GAU 3781